

REMARKS

Receipt of the Office Action of July 11, 2005 is gratefully acknowledged.

Claims 17 - 32 were examined and finally rejected as follows: claims 17 - 23 and 25 - 32 as unpatentable under 35 USC 103(a) over McEwan in view of Okubo et al, and claim 24 as unpatentable under 35 USC 103(a) over McEwan et al in view of Okubo et al and Lacey et al.

These rejections are respectfully traversed.

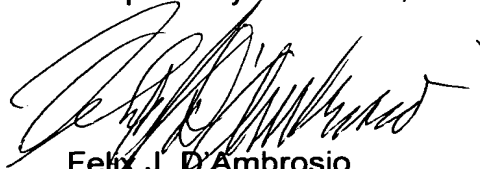
In combining McEwan and Okubo et al the examiner states that "Okubo et al discloses a control unit....with an algorithm *and can calculate* whether the reflection profile is free of interference..." (emphasis added). There is no room under 35 USC 103 for speculating what a reference can do but only what it does do, as specifically taught. We do not see in Okubo et al the capability assigned to it by the examiner. Okubo et al does disclose interference detection, but for a different reason. Lacey et al does not help in this regard.

It is respectfully submitted that the teachings of McEwan, Okubo et al and Lacey et al fall short of the invention defined in claims 17 - 32.

Claims 26 and 28 have been amended as kindly suggested by the examiner.

In view of the foregoing, claims 17 - 32 are believed to be patentable over the references of record.

Respectfully submitted,



Felix J. D'Ambrosio
Reg. No. 25,721

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Customer Number *23364*
BACON & THOMAS
625 Slaters Lane, Fourth Floor